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15 || Attorneys for Stardock Systems, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

20 | STARDOCK SYSTEMS, INC.,

Case No.: 17-cv-07025-SBA

21 Plaintiff,

**DECLARATION OF DAWN N.
VALENTINE IN SUPPORT OF
PLAINTIFF'S MOTION TO MODIFY THE
SCHEDULING ORDER AND FOR LEAVE
TO FILE FOURTH AMENDED
COMPLAINT**

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23 PAUL REICHE III and ROBERT FREDERICK FORD

Date: December 12, 2018
Time: 2:00 p.m.
Ctrm: 210
Before: Hon. Saundra B. Armstrong

Defendants.

27 | AND RELATED COUNTERCLAIM

**VALENTINE DECLARATION IN SUPPORT OF MOTION TO MODIFY SCHEDULING ORDER AND
FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT**

1 I, Dawn N. Valentine, declare and state:

2 1. I am Of Counsel with the firm of Nixon Peabody LLP and counsel of record for
 3 Plaintiff Stardock Systems, Inc. (“Stardock”) in the above-captioned action. Unless otherwise
 4 noted, the following is true and correct and within my personal knowledge, and thus I would and
 5 could testify competently to the same.

6 2. Defendants and Counterclaimants, Mr. Reiche and Mr. Ford (“Defendants”)
 7 responded to Stardock’s Third Amended Complaint with a Motion to Dismiss filed on Monday,
 8 October 29, 2018. That motion seeks dismissal of Stardock’s Twelfth and Thirteenth causes of
 9 action (the “interference claims”). Prior to filing their motion, Defendants’ counsel sought to
 10 meet and confer with us on October 25, 2018, two business days before their filing. I, along with
 11 Robert Weikert, spoke by telephone with Defendants’ counsel, Tiffany Hanson on the afternoon
 12 of October 26, 2018. During that phone conference Mr. Weikert and I pointed out the multiple
 13 references to actionable interference throughout the Complaint. In the spirit of compromise,
 14 however, we offered to amend Stardock’s operative complaint to more clearly link the facts
 15 reflecting interference to the stated causes of action. Counsel indicated that she would consider
 16 our argument and would let us know whether they would be filing the motion to dismiss or would
 17 agree to allow us to file an amended complaint. We did not hear back from counsel, however,
 18 before the motion to dismiss was filed.

19 3. Third, there has been no prior attempt to cure any deficiencies in Stardock’s Third
 20 Amended (or any other) Complaint because no deficiencies have been previously identified by
 21 the Court or other parties to this litigation.

22 4. The parties are presently in the midst of discovery, and have exchanged
 23 interrogatory responses and documents, and also engaged in third-party discovery. That
 24 discovery is ongoing. No depositions have been taken yet and none are currently scheduled.

25 5. Attached hereto as Exhibit A is a true and correct copy of Stardock’s proposed
 26 Fourth Amended Complaint (without Exhibits) that reflects how it differs from the Third
 27 Amended Complaint in redline.

1 6. Following the commencement of this suit in December 2017, and following
2 settlement of the pleadings, the Parties have been engaged in discovery, including exchanging
3 interrogatory responses and documents, and have also undertaken third-party discovery. Those
4 efforts are still underway. No depositions have been taken yet and none are scheduled at the
5 present time.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed this 7th day of November 2018 at San Francisco.

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11 /s/ Dawn N. Valentine
12 Dawn N. Valentine
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